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Director's Office
Office of Patent Publication

In re Application of :
David R. Williams, et al. :
Application No. 09/628,690 :
Filed: July 28, 2000 :
Attorney Docket No. 000687.00148 :

DECISION ON PETITION

This is a decision on the Petition to Withdraw Notice of Abandonment received on September 7, 2001.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the issue fee on or before July 12, 2001, as required in the Notice of Allowance.

The Petitioner states that the Issue Fee was paid on May 11, 2001. To support this assertion the petitioner has submitted copies of the Issue Fee Transmittal (Form PTOL-85B), a copy of the check for the full amount of the issue fee, and the return postcard, which acknowledges receipt of the Issue Fee on May 11, 2001, by the Patent and Trademark Office (PTO). The Issue Fee Transmittal, acknowledged as having been received in the PTO, is not of record in the application file and cannot be located. However, MPEP 503 states the following:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon on the date stamped thereon by the PTO.

In view of the foregoing, the holding of abandonment is withdrawn.

As authorized, the Issue Fee in the amount of \$1240 was charged to Deposit Account No. 23-2185.

The application will be forwarded to Publishing Division to be processed into a patent.

Telephone inquiries relating to this matter may be directed to the undersigned in the Office of Patent Publication at 703-305-5340.

Frederick E. Briscoe

Frederick E. Briscoe
Legal Instruments Examiner
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